UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, ET AL.,	
Plaintiffs, vs.	
AMERICAN AIRLINES GROUP INC.	Civil Action No.: 1:21-cv-11558-LTS
and	
JETBLUE AIRWAYS CORPORATION,	
Defendants.	

MOTION OF THE ALLIED PILOTS ASSOCIATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

The Allied Pilots Association ("APA") respectfully requests leave to file the accompanying amicus curiae brief because it believes its members are adversely affected by the Northeast Alliance. The APA wishes to address issues not addressed in Plaintiffs' Pretrial Brief.

District courts have "inherent authority and discretion to allow the filing of amicus briefs." *United States v. Joseph*, No. 1:19-cr-10141 (D. Mass. Sept. 16, 2019), ECF No. 78 (Sorokin, J.) (citing *Bos. Gas Co. v. Century Indem. Co.*, No. 02-12062-RWZ, 2006 WL 1738312, *1 n.1 (D. Mass. June 21, 2006)). "The role of an *amicus curiae*... is to assist the court in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision." *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 n.19 (D. Mass.) (quoting *Sierra Club v. Wagner*, 581 F.Supp.2d 246, 250 n.1 (D.N.H. 2008)), *aff'd*, 807 F.3d 472 (1st Cir. 2015). Courts are "usually delighted to hear additional arguments from able amici that will help the court toward right answers."

Massachusetts Food Ass'n v. Massachusetts Alcoholic Beverages Control Comm'n, 197 F.3d 560, 567 (1st Cir. 1999).

The Northeast Alliance ("NEA") functions as a merger of American Airlines' and JetBlue's Boston and New York operations and poses a serious threat to competitive conditions in a number of relevant antitrust markets in the airline industry. Anticompetitive impacts of the NEA will cause significant harm—not just to the flying public, but to airline employees as well. As the certified collective bargaining representative for a major class of such employees—the more than 14,000 pilots who fly for American Airlines—the APA has a concrete interest in the outcome of this litigation. As *amicus curiae*, the APA will offer the unique and important perspective of one of American Airlines' most important stakeholders. Specifically, the proposed amicus brief will assist the Court in understanding the NEA's effects on *labor markets*, including not just antitrust harms in the "input" labor markets that mirror those in the "output" passenger markets but also how the NEA unlawfully enhances American Airlines' bargaining leverage at the expense of its employees.

Based on the foregoing, the APA respectfully requests that the Court grant this motion and accept the accompanying *amicus curiae* brief.

September 23, 2022

Respectfully submitted,

/s/ Michelle C. Yau

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1, the Allied Pilots Association states that it is an unincorporated, independent labor union and has no parent corporation. The Allied Pilots Association further states that no publicly held company owns 10% or more of its stock.

September 23, 2022

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LOCAL RULE 7.1(a)(2) CERTIFICATION

I certify that, on September 20, 2022, Cohen Milstein contacted counsel for the plaintiffs and the defendants, respectively, in an attempt in good faith to reach agreement on this motion. Plaintiffs United States, Pennsylvania, Florida, District of Columbia, Virginia, Arizona, and Massachusetts do not object to the motion. Counsel for Plaintiff California has not responded. Defendants do not assent to the motion.

/s/ Michelle C. Yau

CERTIFICATE OF SERVICE

I hereby certify that, on September 23, 2022, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Michelle C. Yau